

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

JUUL LABS, INC.,

Plaintiff,

v.

YASER AHMED, et. al.,

Defendant(s).

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Case No.: 19-715-LO-IDD

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**AMENDED ANSWER**

Defendant's, Dennis Hammer ("Defendant"), answer to Plaintiff's Complaint in the above referenced matter as follows:

**NATURE OF SUIT**

1. Denied.
2. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.
3. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.
4. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.
5. Denied.
6. Denied.
7. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.
8. Denied.

9. Denied.

**JURIDICTION AND VENUE**

10. Admit.

11. Denied.

12. Denied.

**PARTIES**

13. Admit.

14. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

15. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

16. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

17. Admitted.

18. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

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42. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

43. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

44. Admit as to the contact information belonging to Mr. Hammer. Denied as to all other allegations.

45. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

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86. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

87. Denied as to Defendant. However, without sufficient information regarding the remaining named defendants.



88. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

89. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations

90. Defendant Hammer resides in the United States. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph regarding the others and therefore denies the allegations.

91. Denied.

92. Denied.

93. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

102. Denied.

**COUNT I – TRADEMARK INFRINGEMENT AND COUNTERFEITING**

**(15 U.S.C § 1114)**

103. Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed they are denied.

104. Denied.

105. Denied.

106. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

107. Denied.

108. Denied.

109. Denied.

**COUNT II – FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

110. Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed they are denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

**COUNT III – TRADEMARK DILUTION (15 U.S.C. § 1125(c))**

115. Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed they are denied.

116. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

117. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

**PRAYER FOR RELIEF**

Wherefore, Denied to the extent a response is required. The Plaintiff has not been damaged or harmed and is not entitled to any relief requested by Defendant Hammer.

A. Denied:

1. Denied.

2. Denied.

3. Denied.

4. Denied.

5. Denied.

B. Denied:

1. Denied.

2. Denied.

C. Denied.

D. Denied.

E. Denied.

F. Denied.

## AFFIRMATIVE DEFENSES

### FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted to Plaintiff.

### SECOND DEFENSE

Defendant Hammer did not know that the products were counterfeit or alleged to be counterfeits. The first time Defendant Hammer knew about Plaintiff having an issue with the products being sold was this complaint.

### THIRD DEFENSE

Plaintiff has failed to mitigate its damages, to the extent it even has any.

### FOURTH DEFENSE

Defendant Hammer is not a competitor or business rival to Plaintiff.

### FIFTH DEFENSE

Plaintiff's claims are barred by the doctrine of waiver.

### SIXTH DEFENSE

Plaintiff's claims are barred by the statute of limitations.

### SEVENTH DEFENSE

Plaintiff's claims are barred by the doctrine of fair use or collateral use as it relates to Defendant Hammer.

### EIGHT DEFENSE

Plaintiff's claims re barred by mistake as it relates to Defendant Hammer.

### NINTH DEFENSE

Defendant Hammer's use of marks to sell goods was protected by the first sale doctrine.

TENTH DEFENSE

Plaintiff's claims are barred by estoppel by acquiescence.

ELEVENTH DEFENSE

In regards to all claims against the individual Defendant Hammer, Plaintiff has failed to adequately allege the role of this individual in order to establish individual liability.

TWELFTH DEFENSE

Plaintiff cannot show that Defendant Hammer acted in bad faith.

Wherefore, Defendant requests that this Court dismiss the Plaintiff's claims with prejudice and requests its attorney fees pursuant to 15 U.S.C. § 1117(a).

Respectfully submitted,

DENNIS HAMMER

By Counsel

/s/ Dirk McClanahan

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Vienna, VA 22182  
Telephone: (703) 520-1326  
Facsimile: (703) 828-0205  
E-mail: dmclanahan@mcplegal.com

*Counsel for Defendant Dennis Hammer*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was filed this August 27, 2019 with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) or by mail to:

Monica Riva Talley (VSB No. 41840)  
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Washington, DC 20005-3934  
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mtalley@sternekessler.com

*Counsel for Plaintiff*

/s/ Dirk McClanahan  
Dirk McClanahan